

REMARKS

Claims 1-12 are pending. Favorable reconsideration is respectfully requested.

The present invention relates to solid pigment preparations including as essential constituents

(A) from 60 to 90% by weight of at least one pigment,

(B) from 10 to 40% by weight of at least one nonionic surface-active additive based on polyethers, and

(C) from 0.1 to 10% by weight of at least one anionic surface-active additive based on sulfonates, sulfates, phosphonates or phosphates,

where the sum total of the weight percentages do not exceed 100% by weight.

See Claim 1.

An important feature of the present invention is that the pigment preparations are solid (see line 1 of Claim 1). In addition, the preparations contain a combination of the nonionic surface-active additive based on polyethers (B) and the anionic surface-active additive based on sulfonates, sulfates, phosphonates or phosphates (C).

The rejection of the claims under 35 U.S.C. §102(b) over Gonzalez-Blanco et al. is respectfully traversed. That reference fails to disclose the claimed pigment preparations.

Gonzalez-Blanco et al. discloses aqueous pigment preparations for use in ink jet printing. See the Abstract, where water is component (c). In addition, the reference fails to disclose the combination of a nonionic surface-active additive and an anionic surface-active additive as claimed. Rather, Gonzalez-Blanco et al. describes all classes of dispersants (nonionic, anionic and amphoteric) and particular preference is given to their use separately (see column 3, lines 7 and 49 and column 4, line 53).

In view of the foregoing, the reference fails to disclose the claimed pigment preparations. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 6 and 11 under 35 U.S.C. §103(a) over Gonzalez-Blanco et al. in view of Nyssen is respectfully traversed. Those references fail to suggest the claimed pigment preparations.

As discussed above, Gonzalez-Blanco et al. discloses aqueous pigment preparations and fails to disclose the use of a combination a nonionic surface-active additive based on polyethers and the anionic surface-active additive based on sulfonates, sulfates, phosphonates or phosphates. In addition, the Examples of the reference describe only the use of anionic polymer dispersants, i.e., polyaspartic acid and polyacrylic acid, which do not fall within the scope of (C) in Claim 12.

Nyssen discloses a method of coloring seed, seed-dressing materials, or seed-dressing material formulations. See the Abstract. Nyssen fails to describe the combination of nonionic surface-active additive based on polyethers (B) and the anionic surface-active additive based on sulfonates, sulfates, phosphonates or phosphates (C). The material described in the reference preferably contains nonionic surface-active additives (particularly ethylene oxide adducts of optionally hydrogenated castor oil). Ionically modified ethers are mentioned (see column 5, lines 13-40), but they are not used in the Examples.

In view of the foregoing, the claimed pigment preparations are not obvious over Gonzalez-Blanco et al. in view of Nyssen. Withdrawal of this ground of rejection is respectfully requested.

The obviousness-type double patenting rejection over Claims 1-20 of co-pending application No. 10/515,345 is respectfully traversed. The Office has failed to show that anionic surface-active agents specified in Claim 1 of the present application are obvious over those recited in the claims of the co-pending application. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendments submitted above in part and is, in part, respectfully traversed.

Claim 9 has been amended to address the antecedent basis issue.

The fact that the weight percentages recited in Claim 12 appear on their face unable to add to 100% in certain embodiments, e.g., when (A) 90% and (B) is 10%, is noted. However, the claim explicitly specifies that the sum of (A), (B) and (C) does not exceed 100% by weight. Accordingly, such embodiments are not within the literal scope of the claim.

Applicants note that the percentages by weight are based on the total weight of the pigment preparation. In view of the foregoing, the claims are definite within the meaning of 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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